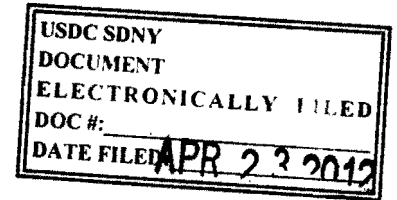


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April 19, 2012

The Honorable Katherine B. Forrest  
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 745  
New York, NY 10007-1312

Re: *Jordan v. Mirra*, USDC, Southern District of New York, No. 12-CV-1742

Dear Judge Forrest:

Counsel for Plaintiff respectfully asks that the Court reconsider the rescheduled date selected for an Initial Pretrial Conference in the above referenced matter. The Court had originally directed the parties to appear on April 17, 2012, and then, upon a request for adjournment submitted by Defendant's counsel, rescheduled to May 11, 2012.

Plaintiff's counsel is scheduled to participate in a court ordered mediation before Magistrate Judge Judith Dein on May 11<sup>th</sup> in *Paradise v. Eagle Creek Software Services, Inc.*, No. 1:10-cv-11678, a 2010 matter pending in the United States District Court for the District of Massachusetts (O'Toole, J.). As the mediation had previously been rescheduled from its original date, and involves counsel and parties travelling to Boston from Minneapolis, Minnesota, re-scheduling the mediation again will cause additional delay and significant inconvenience for all parties involved.

Upon consultation by telephone with Attorney Joseph Moodhe, Defendant's counsel, who consented to this request, we advise that lead counsel for both Plaintiff and Defendant are available any morning in June, Monday through Friday (except June 1 and June 14), including any time on the following Fridays: June 8, 15, 22 and 29.

Very truly yours,

/s/ Kenneth A. Sweder, Esq.

cc: Joseph P. Moodhe, Esq.  
Nathan Z. Dershowitz, Esq.  
Amy Adelson, Esq.

*Initial pretrial conference adjourned to  
May 29 at 1:30 p.m.*

*April 23, 2012*

SO ORDERED:

*K. B. Forrest*  
HON. KATHERINE B. FORREST  
UNITED STATES DISTRICT JUDGE